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IBM CORPORATION (SYL-RSW)			PITARO, RYAN F	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/855,109
Filing Date: May 14, 2001
Appellant(s): MURRAY, LA TONDRA

John R. Brancolini
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/12/2007 appealing from the Office action mailed 5/3/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,938,216 Ishisaki

6,121,968 Arcuri

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1,3-5,9,10,11,13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishisaki ("Ishisaki", US# 6,938,216).

As per independent claim 1, Ishisaki teaches an improved graphical user interface (GUI) having a GUI selection box capable of displaying a selection set of items when a selection menu option is manipulated in a first manner, the improvement comprising: a hot list box displaying a subset of items from said selection set of items when said selection button is manipulated in a second manner (Column 5 lines 3-34), wherein the items to be included in said subset of items are manually selectable by a user of said GUI (Column 9 lines 41-65).

As per claim 3, which is dependent on claim 1, Ishisaki teaches an improved GUI, wherein said subset of items displayed in said hot list is displayed in an order selectable by the user (Column 9 lines 57-60).

Art Unit: 2174

As per claim 4, which is dependent on claim 2, Ishisaki further teaches an improved GUI as set forth in claim 1, wherein a quantity of items displayed in said hot list box is selectable by the user (Column 9 lines 55-57).

As per claim 5, which is dependent on claim 2, Ishisaki further teaches an improved GUI as set forth in claim 1, wherein a method of determining which of said items from said selection set are to be displayed in said hot list is selectable by the user (Column 9 lines 55-57).

As per claim 9, Ishisaki teaches a method of providing a computer graphical user interface, utilizing a screen interface and a pointing device controlling a pointer, to perform a plurality of related functions, comprising: selecting a selection box through the appropriate positioning and manipulation of the pointer by way of said pointing device, said selection box configured to display a selection set of items (Column 5 lines 35-54); selecting a hot list box through the appropriate positioning and manipulation of said pointer with respect to said selection box, said hot list box configured to display a subset of the items displayable in said selection set, wherein the items to be included in said subset of items are manually selectable by a user said GUI (Column 9 lines 41-65); and selecting at least one of said items from said subset using said pointing device (Column 5 lines 1-2).

As per claim 10, which is dependent on claim 9, Ishisaki teaches the method wherein said hot list box is selected by right-clicking a button on said selection box using said pointing device (Column 7 lines 10-33).

Independent claims 11 and 13 are similar in scope to claim 9, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishisaki ("Ishisaki", US# 6,938,216) in view of Arcuri et al ("Arcuri", US# 6,121,968).

As per claim 6, which is dependent on claim 5, Ishisaki fails to distinctly point out determining most recently, or most frequent items. However, Arcuri teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list comprises listing the most recently selected items (Arcuri, col. 7, lines 39-51). Therefore it would have been obvious to an artisan at the time of the invention to combine the most recently selected items of Arcuri with the method of Ishisaki. Motivation to do so would have been to enable a reduction of the overall movement of the input device as suggested by Ishisaki.

Art Unit: 2174

As per claim 7, which is dependent on claim 5, Ishisaki-Arcuri further teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list comprises listing the frequently selected items (Arcuri, col. 8, lines 67-75).

As per claim 8, which is dependent on claim 5, Ishisaki-Arcuri further teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list is applied to said hot list only after a predetermined number of items are to be displayed in said hot list (Arcuri, col. 7, lines 33-38).

(10) Response to Argument

Appellant argues that Ishisaki fails to teach the claimed limitation of a hot list box displaying a subset of items of said selection set of items when said selection button is manipulated in a second manner, wherein the items to be included are manually selectable. The applicant states in the Appeal Brief that "by manipulating the selection button for the list in a second manner (e.g. right clicking as shown in Figure 5)..."; however, clicking the right mouse selection button is different than clicking the left mouse selection button, so there is no manipulating a selection button in a second manner. Ishisaki teaches manipulating the selection button (mouse) in three different

Art Unit: 2174

manners, one click, two clicks and three clicks. A menu is triggered depending on the manner of which the button is selected (Column 5 lines 3-34). The abstract specifically states that "a single menu can be divided into two or more parts which are then separately selected by consecutive actuations of the input device", so not only does Ishisaki teach one hot list, but Ishisaki teaches multiple hot lists displaying a subset of items when a selection button is manipulated in a second and even third manner. Lastly the Appellant argues that the user is only given the option to add/delete and re-order the items in the menu, not manually create a hot list menu that represents a subset of the selectable items on the menu. Although "manually adding a selectable item" , as argued, is not present in the claimed language, Ishisaki teaches manually creating a hot list menu that represents a subset of the items on the menu (Figures 12A-12B, Column 9 lines 50-65). The cited passage reads :

One of ordinary skill in the art will appreciate how to construct such a user interface from the following brief description of its functionality. The interface 1500 (FIG. 12A) includes a description 1510 of the event which triggers the display of a menu 1520. For example, the event description could read "single click of right mouse button." Buttons 1530 enable the user to add, edit, or delete any of items associated with a given menu 1520. The interface 1540 (FIG. 12B) is used to re-order the items of a selected menu. In other words, interface 1540 enables the user to modify the sequence in which items in each menu are displayed. Window 1560 reflects the current (default) order of the menu items and window 1570 reflects the newly defined order. The user re-orders the items using arrows 1581, 1582, and either saves the order by clicking on the set button 1591 or cancels using cancel button 1592.

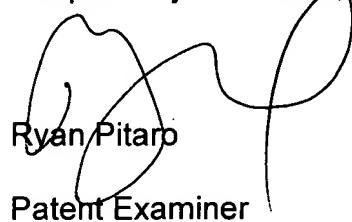
In this particular description, the user is able to manually re-order the menu but has the capability of adding or deleting items to and from the menu. Figures 6A-6C are all menus created by adding/subtracting elements from Figure 6D, by the user and associated respectively using one, two, and three mouse clicks. A user can very easily create Figure 6D as the first menu using one mouse click and then a create Figure 6B as the second menu using two mouse clicks under the current system of Ishisaki.

Art Unit: 2174

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Art Unit 2174

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